

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC § Civil Action No. 6:12-CV-499 MHS  
*Plaintiff,* §

V.

**TEXAS INSTRUMENTS, INC.**  
*Defendants*

§ Civil Action No. 6:12-CV-499 MHS  
§  
§ LEAD CASE  
§  
§  
§  
§  
§  
§

BLUE SPIKE, LLC,  
*Plaintiff,* § Civil Action No. 6:12-CV-576 MHS

V

AUDIBLE MAGIC CORPORATION,  
FACEBOOK, INC., MYSPACE, LLC,  
SPECIFIC MEDIA, LLC,  
PHOTOBUCKET.COM, INC.,  
DAILYMOTION, INC.,  
DAILYMOTION S.A., SOUNDCLOUD,  
INC., SOUNDCLOUD LTD., MYXER,  
INC., QLIPSO, INC., QLIPSO MEDIA  
NETWORKS LTD., YAP.TV, INC.,  
GOMISO, INC., IMESH, INC.,  
METACAFE, INC., BOODABEE  
TECHNOLOGIES, INC., TUNECORE,  
INC., ZEDGE HOLDINGS, INC.,  
BRIGHTCOVE INC.,  
COINCIDENT.TV, INC., ACCEDO  
BROADBAND NORTH AMERICA,  
INC., ACCEDO BROADBAND AB,  
AND MEDIAFIRE, LLC

*Defendants.*

**DECLARATION OF CHRISTOPHER HIGGINS IN SUPPORT OF AUDIBLE MAGIC'S  
REPLY TO ITS MOTION TO COMPEL**

I, Christopher Higgins, declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Orrick, Herrington & Sutcliffe, LLP,

counsel of record for defendants Audible Magic Corp. (“Audible Magic”) and a number of its customers accused as defendants in this case on the basis of Audible Magic’s technology. I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Attached hereto as **Exhibit 18** is a true and correct copy of an email from Alyssa Caridis to Randall Garteiser dated May 30, 2014.

3. Attached hereto as **Exhibit 19** is a true and correct copy of an email sent by Alyssa Caridis to Randall Garteiser dated June 3, 2014.

4. On June 19, 2014 Randall Garteiser left counsel for Audible Magic a voicemail requesting additional time to respond to Audible Magic’s demands for discovery and that Audible Magic wait to file its motion. Audible Magic agreed to wait until the next morning to speak with counsel for Blue Spike before proceeding to file its motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on July 30, 2014 in Washington, District of Columbia.



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Christopher Higgins